

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL BRANNAN, individually, as
Administrator of the estate of BARBARA
BRANNAN, deceased, and as Parent and
Natural Guardian for his minor children S.B.
and R.B.,

Plaintiffs,

v.

NORTHWEST PERMANENTE, P.C.;
KAISER FOUNDATION HEALTH PLAN OF
THE NORTHWEST; MINDY ROTHBARD,
M.D.; and MIKE G. LIN, M.D.,

Defendants.

Case No. C05-5157FDB

ORDER DENYING DEFENDANTS'
OBJECTION AND MOTION TO
STRIKE PLAINTIFFS' REBUTTAL
WITNESS

Defendants move to strike Plaintiffs rebuttal witness, Dr. Howard Miller, asserting that he is actually a primary witness disclosed long after the primary witness deadline.

Having reviewed Defendants' response, pointing out that the Minute Order of May 19, 2006 established a revised expert rebuttal witness disclosure date of July 5, 2006, with objections to experts to be filed by August 3, 2006, and that Plaintiffs' counsel advised that Dr. Howard Miller was their rebuttal expert to Dr. Anne Nedrow, and that his report would be submitted in a timely fashion after Plaintiffs had received, and had the opportunity to review, Dr. Nedrow's supplemental

1 report. Both Dr. Nedrow and Dr. Miller will be testifying as to the standard of care provided to Mrs.
2 Brannan by Dr. Lin.

3 ACCORDINGLY, IT IS ORDERED: Defendants' Objection and Motion To Strike
4 Plaintiffs' Rebuttal Witness [Dkt. # 78] is DENIED.

5 DATED this 17th day of August, 2006.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
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